Yerkes or any other one man could care to take the responsibility of disturbing the entire business of the country by an attempted enforcement of his opinion."

Should the payment of the tax upon all the stock loans that have been made since July 1 last be required the amount of money in the aggregate will be a tremendous sum. Every loan in which stock collateral has figured will be affected, not only bank and trust company loans to brokers, but the loans of railroad companies and insurance companies and inclividuals and the loans made in financing the enormous deals of the period. A prominent Wall Street man, who was questioned yesterday about the probable amount and asked if he thought 110,000,000 would cover it, replied that the whomin in his opinion would be a mere loagatelle to the amount that the business interests of the country would have to pay into the Treasury. That money market conditions everywhere would be disorganized went without saying.

conditions everywhere would be disorganized went without saying.

In the single instance of the local bank loans the weekly statement published last Saturday showed an aggregate in excess of \$900,000,000. It was estimated by a prominent bank officer yesterday that fully one-third of these loans, or at least \$300,000,000, which are being constantly renewed, or on which different collateral is constantly substituted.

The following example of how the tax operates in heavily increasing the cost of parrying stocks was given in Wall Street yesterday, taking for the example a loan of \$100,000 at 4 per cent., secured by 500 Steel preferred, 500 Southern Pacific, 300 Erie, 200 Union Pacific and 100 St. Paul, 1,600 shares. Union Pacific and 100 St. Paul, 1,000 shares.
Interest at 4 per cent. on \$100,000 is \$11.11
per day. The stamp tax is \$32 on 1,600
shares. The cost of the loan for one day
is, therefore, \$43.11, or nearly 16 per cent.
per annum. For two days the cost is \$54.22,
or close upon 10 per cent. For three days per annum. For two days the cost is \$35.22, or close upon 10 per cent. For three days the cost is \$65.33, or about 8 per cent. For six days the cost is \$98.66, or substantially 6 per cent., and for one month the cost is \$365.33, or 4% per cent. This is on the supposition that there would be no substitutions. Whatever substitutions were made would add \$2 per 100 shares to the money

Russell Sage, who is the heaviest indi-vidual lender of money in Wall Street, when told of what the internal revenue intended doing, expressed this

t is a hurtful thing to both Wall Street and the Government. It will drive away business which is already taxed in other ways—every sale of stock being taxed. Following is the letter written by Commissioner Yerkes to Col. Thompson, containing the full text of the Commissioner's

decision:

I have to acknowledge the receipt of your letter of the 9th uit. relative to the enforcement of the tax on deliveries of stock to secure the future payment of money, as set forth in Internal Revenue Ruling 417, the principle of which ruling has since been approved by the Hon. Attorney-General in his opinion dated Jan. 4, 1902.

It appears from your letter that the memorandum commonly used in New York in delivering stock as security for the future payment of money is printed on the envelope in which the securities are enclosed, and is generally in the following form:

-LOAN-

-LOAN-

JOHN SMITH From FIRST NATIONAL BANK, A mount, \$60,000; Int. 5.
Date, Dec. 19, 1901.
SECURITIES.
500 W. U. Tel. 90 \$45,00
400 Del. & Hud. 170 \$85,00

You inquire especially whether, in my opinion, an envelope similar to the above is not such a paper, memorandum or evidence of transfer as would be liable to stamp tax under the ruling above referred to.

In reply you are advised that, in my opinion, the above instrument is such a memorandum as would be liable to stamp tax under the provisions of paragraph 1, schedule A, Act of March 2, 1901, as evident. of stock delivered as security for the future payment of money, at the rate of two cents for each \$100 of par value of the stock described therein. My ruling would be the same if this memorandum were printed on any other paper than an envelope, and any similar memorandum evidencing the delivery of stock as security for a loan would require the same stamp.

A memorandum of the delivery of stock made on a continuous agreement between the pledger and the pledgee regulating the deposit and disposition of stock pledged as security, or such a memorandum made on a promissory note given by a borrower would also be liable to tax in the same manner as the instrument above set forth.

When stock is withdrawn from the pledgee, on payment of the loan for which it was pledged, and afterward redelivered as security for another loan, another tax will accrue on the memorandum of the same, and the memorandum of delivery of any stock in substitution for stock already delivered as security is also taxable. Stock, however, remaining in the possession of the

livered as security is also taxable. Stock, however, remaining in the possession of the pledgee may be retained after the payment of the original loan as security for a new loap without additional taxation.

YERKES SAYS HE CAN'T HELP.

No Power to Postpone Enforcement of Law as He and the Court Read It.

WASHINGTON, Feb. 13 .- John W. Yerkes, the Commissioner of Internal Revenue. holds that he has power under the law to postpone the enforcement of his recent ruling that the war revenue tax is collectthle on all certificates of stock hypothecated for loans. His attention was called to-night to the feeling in New York that the enforcement of the ruling would create havoc in the financial district, and this too, on the eve of the probable total repeal of the war taxes by Congress.

Yerkes said that he should be very sorry to do anything to embarrass stock transactions or the conduct of financial business, but his ruling had been sustained first by the Attorney-General of the United States and then by the United States District Court for the Southern District of New York. Two or three days ago he instructed the revenue officers at New York to proceed with the enforcement of his ruling, for, he explained to-night, he had no alternative

him in this. The late Commissioner Wilson held that the stamp tax was not collectible after the repeal of the mortgage feature of the law by the act of March 2, 1901, but Commissioner Yerkes maintains that the tax still applies under another clause, as fully set forth in his decision and as confirmed in a long written opinion of the Attorney-General.

POISON KILLED MISS OHLANDT.

Inquest Into Death of Young Woman Who Died the Day Before Her Wedding.

An autopsy on the body of Marie Ohlandt in Hoboken vesterday afternoon showed that the young woman had died of Paris green poisoning. Coroner Parslow will hold an inquest to-night.

The young woman died on Saturday, the day before she was to marry Charles Confent. According to Confent's story the couple were discussing the wedding arrangements at their boarding house 202 Hudson street, Hoboken, when Marie complained of cramps in the stomach. Confent went out to get a doctor and called at the offices of four, he says, before finding one willing to go to the house. By the time this one arrived the girl was dead. No bottle, or how containing Paris green, was or box containing Paris green was

DIDN'T LIKE HER VALENTINE.

but Didn't Get It. Mrs. Frieda Cohen, who keeps a boarding house at 412 East Fifty-second street received a valentine yesterday and immediately went to the Yorkville Police Court and asked for a warrant for a former boarder who she suspected had sent it to her. She showed the valentine to Magistrate Meade. It showed a very boney turkey beneath which was the advice: "Don't feed your boarders on tough meat."

tough meat."

The Magistrate told her that there was no law against the sending of valentines. SEVEN DYNAMITE INDICTMENTS

MANSLAUGHTER IN THE FIRST DEGREE IN FOUR CASES.

contractor Shaler and Three of His Men Accused of Causing Deaths While Committing Misdemeanor - City Officials Are Accused of Neglect.

Seven men were indicted yesterday by the Grand Jury as a result of the dynamite explosion on Jan, 29 on Murray Hill, which wrecked property and killed five men Four of the accused are indicted for manslaughter in the first degree, the maximum penalty for which is twenty years in prison. The indictments are:

Major Ira A. Shaler, the sub-contractor charge of that section of the tunnel; for storage of explosives.

Civil Engineer Ernest G. Matheson, employed by Major Shaler, manslaughter in the first degree and illegal storage of ex-Joseph Bracken, one of Major Shaler'

and illegal storage of explosives. and illegal storage of explosives.

Moses Epps, negro powderman in charge
of the dynamite shanty, manslaughter in the Civil Engineer Charles E. Fraser, em-

ployed by Major Shaler, illegal storage of Supt. George E. Murray of the Bureau of Inspector Samuel Wesley Smith, M. D.,

under Supt. Murray, neglect of duty. Mr. Shaler was held in \$6,000 bail by Judge Cowing, who paroled the other Shaler employees in the custody of their lawyer, Vernon M. Davis, until to-day Judge Cowing said that the misdemeand charges would require \$1,000 bail and that he would set bail on the manslaughter Indictments at \$5,000.

A warrant for the arrest of Supt. Murray and Inspector Smith was given to Detective-Sergeant Cuff, who was told that he need not serve it until this morning. The others reached the bail departments of the District Attorney's office by 4 o'clock. Dr. Louis L. Seaman of 18 West Thirtyfirst streeet accompanied Mr. Shaler and went on his bond. Dr. Seaman, who has just returned from China, was a Surgeon-Major in the First Volunteer Engineers which went to Porto Rico and Shaler was a Major in the Third Battalion. Dr. Seaman and he are Cornell graduates.

Mr. Shaler had nothing to say, but Dr. Seaman was indignant. "Shaler," said

Seaman and he are Cornell graduates.

Mr. Shaler had nothing to say, but Dr. Seaman was indignant. "Shaler," said he, "had the reputation of being the best engineer and the most careful man in the regiment at Porto Rico and Mr. Parsons says as much for him in connection with the Rapid Transit subway. He wouldn't be guilty of a violation of the laws."

Mr. Fraser was the civil engineer in charge of the Shaler section of the subway. He was away on his wedding trip when the explosion occurred and Mr. Matheson was temporarily in charge.

Dr. Smith said last night that he was very much surprised to hear that he had been indicted. His duties as a surveyor for the Bureau of Combustibles, he said, compelled him to make frequent inspections on the East Side of the city, between Tenth and Fifty-ninth streets, and two days

and Fifty-ninth streets, and two days before the explosion he inspected the Forty-second street "powder shanty" and found only fifty pounds of dynamite there. Dr. Smith said he didn't see why he had been indicated. indicted.

indicted.

The neglect of duty indictment charges
Supt. Murray and Dr. Smith with permitting the storage of more than sixty-two
pounds of dynamite a day in a building,
in violation of the Fire Commissioner's regulation.
The indictments for manelaughter in

the first degree are based on the first clause of section 189 of the Code relating to homiof section is of the Code relating to nomicide committed, without intent to kill, "by a person engaged in committing or attempting to commit a misdemeanor affecting the person or property either of a person killed or of another." The misdemeanor relied on to make out this charge is the misdemeanor of storing an unlawful to of dynamits. The question has been lot of dynamite. The question has been raised whether the Rapid Transit act does not overrule the Fire Department regula tion and allow the subway contractors to have on hand each day whatever amount of dynamite is needed for that day. Cor-poration Counsel Rives has declined to write an opinion on this question and has left it for the courts to decide. District Attorney Jerome has gone on the theory that the Fire Commissioner's authority that the Fire Commissioner's authority was final. If it isn't, there is no case against Supt. Murray, Dr. Smith and Mr. Fraser, and nothing more serious than manslaughter in the second degree against the others. Homicide by culpable negligence merely is manslaughter in the second degree and may be punished merely by a fine. The higher degree is punishable by imprisonment only.

The indicted men will be on to-day's calendar for pleading before Judge Cowing in Part I. of General Sessions. District Attorney Jerome said that the Grand Jury would probably not get at the Central's tunnel collision before week after next.

TO HAVE NEW DYNAMITE LAWS. 60 Tons of the Stuff Exploded in the City Every Month -- Petition to the Mayor

Sixty tons of dynamite a month are used blasting in this city, and the Rapid Transit Commission will petition the Mayor to appoint a commission of five experts to draft at once new ordinances or statutes governing the handling of the dynamite.

When the Rapid Transit Commission met yesterday Chief Engineer Parsons reported that since the Park avenue explosion he had been making investigation into the general use of explosives in this under the law. Secretary Shaw sustains city and had discovered facts that warrant the most serious consideration by the municipal authorities. He said that of the sixty tons a month which he had found was used, although the Rapid Transit contractors are the largest consumers,

a large percentage is used in ordinary blasting. He went on:

As Manhattan Island north of Twelfth street is a hard-rock formation, rearly all building operations by the fire that point involve the use of explosives, and with the growing tendency to make basements and cellars deeper and deeper we must expect a steady increase in the use of explosives.

There are certain regulations imposed by the Charter and by the Fire Commissioner relating to the use of explosives, but these regulations are wholly inadequate and are the result of old laws and old regulations which have never been subjected to modern scientific analysis. As illustrating the archaic character of some of these provisions, the Charter of the city refers to explosives in "quarter casks," an evident inheritance from the days of gunpowder; while the old regulations of the Fire Department require the backing of explosives in manure, which, when dry, possesses no more virtue than an equivalent amount of sawdust, and is equally inflammable. All of these regulations, lit can be seen, aim not so much at preventing explosions, but by limiting the quantity on inand, to keep down the effect of an explosion after the same has occurred. It is evident, of course, that the reverse should be the case, and that prevention in the first instance should be the thing aimed at.

While a battery of boilers such as is to be found in any one of the large buildings of New York contains far more explosive energy than was in the powder house at Forty-first sired and Park avenue at the time of the explosion, so well regulated are the maintenace and safety of the boilers that no citizen need feel timidity in walking about the streets although beneath his feet in almost every block the possibility of a terrible explosion is always present. Legislation similar to that which safeguards boilers should be applied to the storage of explosives. Dynamite in itself, if properly taken care of, is no more dangerous than a steam boiler, and I believe it is perfectly possible to regulate a large percentage is used in ordinary blasting. He went on:

Fire Commissioner Sturgis was present and he also said that the present ordinances were out of date, so the Commissioners decided to petition the Mayor.

This name must appear on every box of the genuine Laxative Bromo-Quinne Tablets, the celebrated Cold and Grip Cure. 25 ccnts. - Adv.

POLITE BURGLAR APOLOGIZES For Hitting Police Sergeant and for De

Thomas F. Croughan, the polite burglar under arrest in Jersey City, who committed breach of etiquette by trying to escape from Sergt. Harrington while being escorted to the Chief's office, apologized vesterday and said he was truly sorry

for hitting the sergeant. Croughan's wife, his mother-in-law, Mrs Gorman, and the bridesmaid at his wedding, called at Police Headquarters yes terday afternoon and begged to see him. The Chief asked Mrs. Gorman and the bridesmaid to remain in his office while Mrs. Croughan went downstairs to the City Prison with Sergt. Harrington. The burglar kissed her several times through

burglar kissed her several times through the bars of his cell. He said he was sorry for all the trouble he has brought her.

"I didn't mean to deceive you when I married you," he said, "I didn't want to do wrong, but Cady led me off."

Croughan's wife kissed him good-by through the bars and promised to do all she could to help him.

Police Justice Hoos in the First Criminal Court held Croughan for further examination on the complaint of Mrs. Pauline Terwilliger who identified him as one of the burglars who visited her house on the night of Jan. 28. Later Croughan was held on other complaints by Police Justice Murphy. Chief Murphy expects that the Grand Jury will find indictments against the other burglars to-day. Cady was held by Magistrate Cornell yesterday in the Centre street police court to await extradition papers from New Jersey.

FATHER PARDOW ON THE BIBLE. He Controverts Luthers Claim to Being

First German Translator. The Rev. William O'Brien Pardow, S. J. delivered the first of a series of four lenten lectures, for the benefit of the Loyola School on Eighty-fourth street, yesterday afternoon, at the home of Miss Leary, 3 Fifth avenue. His subject was, "The Bible at the Beginning of the Twentieth Century." He began with an argument against the belief that Martin Luther was the first to translate the Rible into German.

"There is a phrase familiar to you all which reads: 'If You See It in THE SUN It's So.' and I am happy to state that it remained for our great American daily to burst the bubble of disbelief regarding this most interesting subject. About three years ago The Sun commented editorially on Martin Luther's claim, and in reply to that deditorial Father Henderson wrote an in-teresting letter to the editor of THE SUN, setting forth the fact, and giving references setting forth the fact, and giving references there for that there were seventeen trans-lations of the Bible in the German language before the birth of Martin Luther. "In a very fair and interesting answer to the letter of Father Henderson, THE SUN

acknowledged that the only authority in favor of Martin Luther, was Johnson's Encyclopædia out of the many records of historical facts in the English language."

Father Pardow declared that the Roman Catholic Church was not opposed to the reading of the Rible, as many supposed. reading of the Bible, as many supposed but had decreed against versions of the Bible which differed from the original man-uscripts in possession of the Church.

SOCIALIST WIND GAVE OUT. Shortage of Talkers Brought Mass Meeting

to Sudden End. The hall in Cooper Union was half filled last evening in response to a call sent out by the Socialist trades unions for an antiindustrial peace mass meeting. The only speakers were Joseph W. Dooley and William MacQueen, the latter an English Socialist. Socialists are proverbial as talkers; but, marvellous to say, no other speakers could be found in the hall last night and for that reason the meeting had

who attended the peace conference of the National Civic Federation were denounced by the two who did talk and resolutions condemning the arbitration movement were passed. Then the chairman announced that his stock of speakers had given out. Some one recognized in the audience "Mother Jones," who came into prominence as a leader during the Anthracite coal strike, and there were calls for a speech from She declined on the ground of poor th. Anarchist John Most was present but was not asked to speak.

SAY MRS. HARDING IS BANKRUPT. Creditors of Her Brooklyn Furnishing Store Petition Against Her.

A creditors' petition in involuntary bankruptcy has been filed here against Lucy B. Harding who resides at 981 Madison avenue, Manhattan, and does business at 571 Fulton street Broooklyn at the Harding Manufacturing Company, dealer in men's furnishing goods. The petition alleges that she is insolvent, that on Feb. 6 she that she is insolvent, that on reb. 6 she transferred a part of her property to creditors whose names are unknown to the petitioners, that she has paid some of her creditors in full, that suits have been begun against her and that in order to prevent judgments being taken she has been making weekly and monthly payments on account, that she admitted through her attorney that she is insolvent, that her liabilities exceed \$20,000 and that the assets do not exceed \$10,000. The business was started in 1873 by her husband, who died in 1883, was continued by her son, Edward L. Harding until May, 1899, when he died. She is the executrix of his estate, and the store has of late been under the management of Duncan B. Harding, another son. adgments being taken she has been mak

THIEF AT LAWYER DELANO'S Robbed His Flat While His Wife Was Out

on a Shopping Trip. The apartments of Lawyer William Ray Delano at 2787 Broadway were entered about noon yesterday and jewelry and money to the amount of about \$900 stolen. Mrs. Delano was out shopping. On Wednesday a young man called on another tenant of the house and asked to be allowed to inspect the plumbing. Yesterday morning was seen ringing the bell of the Delano . A description of him has been given to the police.

Brewery's Investment in Chattel Mort-

Schedules in bankruptcy of the Colonial Brewery show liabilities \$214,086 of which \$140,710 are secured; and nominal assets \$507,096 of which \$388,076 are chattel mort-

DENNSYLVANIA R. R. Personally TOURS 1902

MEXICO AND CALIFORNIA. .cov'g every item of neces ry expense, \$375 .covering Tour of Mexico only ... 350 ornia only deaves New York Feb'y 251 FLORIDA. February 18, March 4, 1902.

March 6 and 25, April 17 and May 1, 1902.
Rate, from New York. \$14.50 OLD POINT COMFORT. RICHMOND and WASHINGTON arch 8 and 22. April 5 and 19, and May 3, 1902. ate, from New York \$34.00 OLD POINT COMFORT ONLY.

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Rate, from New York
For Rineraries and full information apply to
Ticket Agents: Tourist Agent, 1186 Broadway.
New York: or address GEO. W. BOYD. Ass't ew York: or address Gren't Pass. Agt., Philad'a. J. B. HUTCHINSON, Gen'l Manager. J. R. WOOD, Gen'l Pass'r Agt.

SERVANT ROBS HELEN GOULD.

PLUNDERS HER HOUSE WHILE SHE IS AWAY IN THE SOUTH.

May Have Intended to Admit Other Thieves, but Was Bagged in Time-Burglar Alarm Cut in Readiness - Sable Robe and Valuable Opera Glasses in His Swag

The name of Miss Helen M. Gould was added yesterday to the list of those who have suffered recently from the depredations of dishonest menservants at 579 Fifth avenue has been occupied only by those of her servants who were left behind. The head butler and Miss Gould's maid accompanied her to the South. Gould has her secretary, Miss Fields, with

When Miss Gould goes out of town a general oversight of the house is entrusted o her physician, Dr. J. P. Munn of 18 West Fifty-eighth street, who is an old friend of the family. On Monday Dr. Munn was notified that the wires of the burglar alarm connected with the front door and front windows of the house had been cut. He at once notified the police. Capt. Titus answered the call in person, bringing two of his men with him.

In the meantime Dr. Munn had been through the house He discovered that several articles of value were missing. A coach robe of Russian sable worth \$700. a pair of opera glasses worth \$150, a pair of marine glasses worth \$250, had disappeared. It was said vesterday that small articles of more or less value have been disappearing from the house ever since Miss Gould went away and that only she and Miss Fields can tell how much had been

There was every indication that somebody of the household was at the bottom of the thefts. Daniel Donovan, the second man, was the one on whom the suspicions of the detectives at once fell. He had come to Miss Gould from an employment agency, where he had been engaged by Miss Fields last September. He had letters of recommendation which said that he had been employed in the household of the late Collis P. Huntington and by other people of wealth, and that his services had been

Donovan was much given to going out of the house at all hours of the day. tectives watched him on one of these trips nd found that he went to a poolroom. he detectives declined to state just what poolroom the young man went to, or just how they knew it was a poolroom. On Tuesday night the servants were told that inasmuch as the burglar alarm had been cut off they must all be in the house by 9 o'clock, so that the place could be locked up and watched. Donovan was locked up and watched. Donovan was the only one to disregard this direction. The next day he was followed to a pawn-shop, where he endeavored to redeem a pair of opera glasses which had been taken from Miss Gould's home some time

The detectives then arrested him. At Police Headquarters he confessed to having taken the missing articles. He said that he had used the money to gamble with and that he had no confederates. This the police are inclined to doubt. They have an opinion that Donovan cut the burglar alarm with an idea of letting into burglar alarm with an idea of letting into the house a gang of thieves who would have made a much more extensive haul than he has been able to.

Letters found on Donovan showed that that he had prepared a glowing statement of the value of his services to Miss Gould, of the value of his services to Miss Gould, which had been written on the house stationery but had not been signed. The police are of the opinion that this letter may explain the sources of his other recommendations. He was taken to Jefferson

mendations. He was taken to Jefferson Market court yesterday morning, pleaded guilty and was held in \$1,000 bail for the Grand Jury.

David S. Dudley, a negro, was arraigned in the West Side police court late yesterday afternoon, charged with being the proprietor of a disorderly flat in West Thirty-seventh street. Five negro men and four negro women who were arrested in the flat were discharged. Dudley was held in \$500. were discharged. Dudley was held in \$500 bail for examination to-day.

Dudley's lawyer handed to Magistrate

stating that Dudley had been in her employ as a cook for seven years, and had also served her father in the same capacity. letter said that he was a good cook

COURT AFTER ARE LEVY. Juror Complains That He Was Abused for Finding Against Levy's Client.

Lawyer Abe Levy is to be investigated by Judge Foster of General Sessions and by District Attorney Jerome, Thomas Riley, foreman of a petit jury, told Judge Foster yesterday that Levy had used abusive language to him in the court corridor because his jury had convicted a client of Levy's. When Levy heard this, he appeared in court, but Judge Foster cut off his explanation, saying that the charges would be reduced to writing and sent to Levy, who would then know just what he was accused of. He can answer on Monday, when the Judge will hold a hearing.

Levy's client was Mrs. Gussie Ohrnstein of 360 Madison street, on trial for throwing acid in the face of Annie Fantellie of 359 Madison street on the night of Aug. 1, two years ago. Mrs. Ohrnstein was jealous of Miss Fantellie's influence over her husband, who is a bartender. The complainant lost her right eye as a result. The de-fendant had a small son in court. She tendant had a small son in court. She was convicted of assault in the second degree and remanded for sentence. After the verdict, Levy met Riley in the corridor.

"Look at that little boy sobbing there," said Levy. "God forbid that you should have done this wrong. I still believe in this woman's invocence. You did a most this woman's innocence. You did a most unjust and cruel thing; it was contrary to the evidence and outrageous. Rufus Choate once said that God in his omniscience knoweth all things, except the verdict of a

petit jury."
To Judge Foster Mr. Riley said that dur-

To Judge Foster Mr. Riley said that during fourteen years of jury service he had always done his duty and he had just been told that he would go home with a guilty conscience over an unjust verdict. He said that the jury's first ballot in the case was 11 to 1 for conviction.

District Attorney Jerome said that while a lawyer might talk to a juror about his verdict outside of court, it was a question whether he could abuse him for it. Levy's partner is Henry W. Unger, who was the Tammany candidate whom Mr. Jerome defeated for District Attorney. defeated for District Attorney.

"SURETHING" USED UPON SPREE Stock Speculation Money Squandered Be-

fore It Got to Wall Street. PORTLAND, Me., Feb. 13.-Jesse Boyd of Springfield, Mass., son of a member of the New York Stock Exchange, was bound over to the Grand Jury in this county today on a charge of embezzlement. Young Boyd induced Ralph Morrill, a Buckfield, Me., merchant, to let him have \$2,000 for investment in an alleged "sure thing" in the stock market, representing that he had received from his father a "straight tip" about a prospective deal which would affect certain stocks.

Boyd admits that he received the \$2,000,

Boyd admits that he received the \$2,000, but says it was to be invested at his discretion, together with some funds of his own; that he went on a protracted spree and squandered it all. His counsel argued that the court here had no jurisdiction; that criminal intent on Boyd's part was not proved, and that as their funds were to be invested in common Boyd and Morrill proportically, because partners, and a charge practically became partners, and a charg of embezzlement would not hold agains the respondent.

LIBELLED CORONER ZUCCA. Editor of "Il Progresso" Held on a Cris

inal Charge for Trial. Ex-Coroner Antonio Zucca was the complainant in the Centre street police court yesterday in an action for criminal libel against Carlo Barsotti, the editor and director of Il Progresso. Barsotti was held for examination in \$1,000 bail. Magistrate Cornell refused to parole him in the custody

his counsel. Mr. Zucca said that before the dinner of the Italian Chamber of Commerce at the Hotel Savov last February he heard that Barsotti had been urging Italians to attend and to hiss Signor Bianchi, the Italian Consul-General, when he rose to speak. Ex-Coroner Zucca, who is President of the Italian Chamber of Commerce, heard of this and in consequence refused admission to the dinner to the reporter of Il Progresso, who was sent to write an account of the who was sent to write an account o who was sent to write an account of the festivities. The reporter telephoned to Editor Barsotti, who in turn was not admitted. Then Il Progresso rented a room next to the hall. By dint of the reporter keeping his ear close to the partition and Editor Barsotti buttonholing the diners as they left the present had its atory of the they left the paper had its story of the

From that time on, the ex-Coroner said Barsotti's paper began to abuse him. It said that he was unfit to preside at the dinner; that he was not of Italian birth, as he has always asserted, and, finally, that he had changed his name.

"I do not care how I was or am abused as politician or as Coroner" said Zucca.

a politician or as Coroner," said Zucca,
"but these innuendoes are beyond endurance.
It is largely for the sake of my family that
I am bringing this criminal action."

BROOKLYN BOY DIED A MARQUIS French Relatives and Creditors Are Fighting Over His Property Here.

Permission of the Supreme Court in Brooklyn has been asked by Emery Fray, provisional administrator of the estate of Samuel Welles, known in France as the Marquis de la Valette, to sell property in Brooklyn for the benefit of French creditors At the time of his death Welles was a widower and insolvent, and Fray, a clerk of a French Civil Court, was appointed curator of the estate. The defendants in the suit are Henrietta, wife of Count Ameury de Villardi Henrietta, wife of Count Ameury de Villardi de Montlaur, Leontine Marie Madeleine de la Valette, Louise Caroline Vincenette Aimée de la Valette, the three daughters of the Marquis de la Valette, the Count de Montlaur, and James Stikeman and Frances W. Dunnewell, who were appointed ad-ministrators of the estate on the allegation the Marquis had a residence in Brook.
Welles died in France in 1892. He
the son of Samuel Welles who died in Brooklyn in 1841, leaving a large estate to his widow Adeline. She went to France with her son and then married the Marquis Valette, who adopted her son and at the death of the Marquis the adopted son succeeded to the title, becoming a French

CANADIAN GIRL RUNAWAY. Money All Spent, So Her Hotel Lets the Police Get Her.

Lily Mercier, 15 years old, was committed the care of the Children's Society by Magistrate Meade in the Yorkville police court yesterday until her parents in Monfreal send for her. She ran away from home on Feb. 5 and came to this city to visit a former school friend, but lost her address. former school friend, but lost her address. She made the acquaintance of a young man on the train, but he left her. She stayed at the Grand Union Hotel till her money gave out. Then she told the hotel clerk that her father was Napoleon Mercier of 28 Prince street, Montreal; her uncle, Frank Hart, an Alderman, and John H. Bell of the Merchants' Bank was another relative. The clerk wrote to Mr. Bell and received a request to hold the girl until some one

WIFE SUING C. B. BARKER. Wants the Allmony Promised in Their Agreement to Live Apart.

Eva Barker has brought an action in the Supreme Court to compel her husband. Charles B. Barker, to live up to articles of separation which they executed in January, 1894. Under them he was to pay her \$4,000 that year and \$5,000 a year thereafter. she says he has not paid the She says he has not paid the quarterly installment due last June. Barker has asked that the trial be delayed until he arrives from Florida next month. He formerly lived in Central Valley. His answer declares that his wife has moested him, contrary to the provisions of

PARK FOLKS VACCINATED. General Muster of the Employees and

Scratching of Arms. Inspectors from the Board of Health went to the Arsenal in Central Park vesterday and vaccinated the employees. The matrons who have charge of the Park cottages and the keepers of the menagerie were

vaccinated with the rest.
Only four cases of the of the disease were re-Only four cases of the disease were reported to the Health Board yesterday and no deaths were noted. Last week there were nearly 34,000 vaccinations, but it is expected that the number this week will exceed 50,000.

Strict Smallpox Rules in Des Moines DES MOINES, Ia . Feb. 13 .- The City Council has prohibited all meetings, closed churches and theatres and ordered general vaccination because of the smallpox

Judge Lacombe of the United States Circuit Court has granted a temporary injunction against the Porter Battery Company of Chicago, which is being sued by the Electric Storage Battery Company for infringement on the patent of the Brush battery. The order to show cause why the injunction should not be made permanent pending the trial of the action is returnable

\$300 Fine on Runaway Girl's Account. Patrick Mooney, proprietor of the Shamrock Hotel, at 369 Bowery, was fined \$300 with the alternative of three months in the penitentiary yesterday in the Special Sessions for permitting a fifteen-year-old girl to be on his premises. The girl was Grace Coppinger, a runaway from St. Eliz-abeth's home in East Twelfth street. She was found drinking with men in Mooney's

Bettres After 64 Years of Newspaper Work. CAMBRIDGE, Ill., Feb. 13.-B. W. Seaton, the veteran editor of the Cambridge Prairie Chief, has retired after sixty-four years in the newspaper harness. He turns the paper over to his son, John H. Seaton, who has long been associated with him in the

Crouserings.

Special reduction in English fab. rics : \$5.50 cach, 2 pairs \$10.00. in order to close out remaining stock prior to extensive alterations and enlargement of premises. Suit. ings that were \$40 reduced to \$25. Opercoating in like proportion.

Burnham & Phillips

Eustom Cailoring Only. Cemple Court Hunex, 119 Massau St. Vork, parity cloudy to-day, probably snow to-morrow; fresh north to northeast winds

THE MAUSER M'F'G CO.

Silversmiths.



SPECIAL FEBRUARY SALE OF

Manufacturers' Samples and Surplus Stock of Sterling Silver at greatly reduced prices, comprising BON BON DISHES, DESK FITTINGS. BREAD DISHES. PICTURE FRAMES. CANDLESTICKS. DECANTERS.

Many unique and pretty articles. SHOP AND FACTORY, 14 E. 15TH ST. BETWEEN BROADWAY AND FIFTH AVE., NEW YORK.

MAKES THE JURORS SLEEPY.

HANDWRITING TESTIMONY IN PATRICK TRIAL IS DULL.

Prosecuting Attorney Sharply Interrupts His Own Witness, and Afterward Frankly Admits That He Did So Merely to Keep the Folks in Court Awake.

Albert S. Osborn of Rochester, the first of the nine handwriting experts who are to be called by the prosecution in the Patrick murder trial, was on the witness stand all day yesterday in Recorder Goff's court. He lectured from hour to hour with but few questions from the Assistant District Attorney to interrupt him. At least one of these interruptions, as the prosecuting attorney very frankly told the court, was

to prevent folks from going to sleep. The faces of all the jurors were hidden behind their big albums of photographed signatures, which are just as good as a schoolboy's geography to hide a yawn or even a stolen snooze. The witness was in the middle of a long description of a simulated dot over

"Are you sure of that?" shouted the prosecuting attorney, as he jumped toward the ritness.

The twelve albums dropped on as many

pairs of knees in the jury box.
"I object," exclaimed Mr. Moore, of counsel for the defence. "I object to the Assistant District Attorney cross-examining his own expert."
"Your Honor," explained the Assistant
District Attorney, "I interrupted the witness because I don't want everybody to go
to sleep. Mr. Moore knows that very
well. That's why he objects to the inter-

well. That's why he objects to the interruption."

The expert reiterated his opinion expressed on the stand on Tuesday to the effect that the alleged signatures of William M. Rice, whom Patrick is accused of murdering, are forged signatures. He gave various reasons for that opinion in the course of his day's talk. The most tangible was that the signatures on the four checks, by means of which Patrick tried to get \$160,000 of Rice's money on the day following the latter's death, are exactly alike with reference to measurements between corresponding points. These four signatures, said the witness, were all made from the same model, but he could not tell whether they were made by tracing or by copying.

by copying.

The expert also testified that of ninety-eight genuine signatures of Mr. Rice he had found no two alike with reference to POLICE WATCHING AUTOMOBILES.

Col. Partridge Instructs Them to Enforce

The accidental killing of seven-year-old Henry Thies by Stockbroker Edward R. Thomas's automobile on Wednesday resulted in orders being sent yesterday by Col. Partridge to the Harlem police stations to enforce the ordinance limiting the speed of automobiles to eight miles an hour. John L. Copley of Bronxville was the first automobilist to be arrested after these instructions were issued. He came down Seventh avenue in a locomobile at a speed which Mounted Policeman Martin con-

sidered faster than the law allowed and Martin says that when he signalled to him to slow down he put on more power as if bent on getting away. The polic caught him after a run of nearly ten b Copley was arraigned in the Harlem police court before Magistrate Zeller. He told the Magistrate that he had been the habit of riding to his business ever lay at the same speed and did not knowne was going faster than the rate allowed by law. He was fined \$5.

Assistant District Attorney Krotel has en assigned to investigate the kenry Thies. District Attorney Henry Thies. vesterday that, according t ion of the Corporation Counsel, Mr. Thomas and his friends, having been arrested by the police, Coroner Scholer had no right to release them on hall as he did to release them on bail as he did.

Mr. Jerome favors a law requiring an examination of all automobilists before

permitting them to handle automobiles THOMPSON SETON SETTLES.

Pays \$10 to the State of Colorado and

Apologizes to the Governor. DENVER, Colo., Feb. 13.-Ernest Thompson Seton settled all outstanding obligations to the State vesterday by paying \$10 for permission to remove his pelts. He engaged an attorney by wire four hours before reaching Denver, and went direct to the Capitol. where he waited an hour for the Game Commissioner. He apologized for offensive comment on the which appeared in a New York interview, but got into a quarrel with Game Warden Bush, which, bystanders say, would have resulted in blows had the men not been

There was a low pressure area central yesterday the States of Texas and New Mexico and ntre over the upper Lake regions Colder weather was felt in the Lake regions and outhward to the Ohio and Tennessee valleys and the central and southern Rocky Mountain disdets. There has been a general rise in tempera-ire in the section from North Dakota southward Texas. Freezing weather extended yesterday ted was 10 degrees below zero from Moor lead, Minn. Light snow has fallen in the New England States

lew York, Pennsylvania, the Lake regions, the Dakotas and Montana.

In this city yesterday it was fair and slightly colder; wind brisk northwest; average humidity 65 per cent; barouneter, corrected to read to sea level, at 8 A. M., 29.87, 3 P. M., 29.88. The temperatur yesterday, as recorded by the

mometer at the street level, is shown in the an-nexed table:

WASHINGTON FORECAST FOR TO-DAY AND TO MORROW. For eastern New York, eastern Pennsylvani New Jersey and Irelaware, partly cloudy to day; probably snow by night; snow to morrow; fresh north winds, becoming northeast.

For New England, fair to day; cloudy, with

snow in south portion to morrow; fresh northwest to north winds becoming northeast. For the District of Columbia, Maryland and riginia, increasing cloudiness to day, probably now in the afternoon or at night; show to morrow fresh north winds, becoming northeast.

For western Pennsylvania and western New York, partly cloudy to-day, probably snow; snow ART SALES AND EXHIBITIONS

"A Distinguished Collection." TO-NIGHT



At Unreserved Public Sale at

Mendelssohn Hall (Admission by card, to be had free of charge on application to

the managers.)

Notable Paintings Belonging to

Mr. E. F. Milliken

From the Sun.

"Rarely can one see a private collection so intrinsically worth seeing. There are only twenty-six pictures, but the quality throughout is high and in many cases pre-eminent. To catholicity of taste has been joined a very choice discernment, and the selection in almost every instance suggests not only a carefully cultivated instinct for what is esthetically fine and worthy, but also a desire to possess it for the pleasure and profit of its companion ship. So with a vigorous and heartfelt eelecticism the collector has ranged from Titian to our own painters, dipping, by the way, into the treasures of Barbizon men, and gleaning from the later harvest of impressionism, always with no mere pride of acquisition, but with the serious desire of intelligent and appreciative possession. It is in its way

From the Tribune.

"Very rarely do the people of New York have the opportunity to see so good a collecken has placed on exhibition at the Amerlean Art Galleries, to be sold at auction on Friday evening, February 14, at Mendelssohn Hall. It contains only twenty-six works. Some of these are of great value. and not one is bad, trivial, or dull. The list is as varied as it is dignified and interesting. Titian and Degas, Millet and Willtam M. Chase, Puvis de Chavannes and Adolphe Monticelli are among those who

figure to it.' From the Mail and Express. "Granted the requisite money and taste. pleture buyers find the same difficulty in limiting the size and upholding the quality of their collections as clergymen are said to experience in trying to write brief sermons that shall convey all their ideas. Mr. E. F. Milliken has succeeded in the first task, if one may judge by the twenty-six pictures now at the American Art Galleries. Restricted in number, the collection is rather extraordinary in his eatholicity. So diverse are the several schools that it is hard to believe only one man's taste responsible for the selections. Here is a Titlan portrait, there a group of Degas ballet girls; Homer Martin at his great best has as near neighbor one of Claude Monet's Rouen' cathedral facades; Corot American of mature years and remarkable gifts, who has long lived in Munich and whose pictures are searce as old masters. on the list, too, are other Americans, Frenchmen, an Englishman turned Galile. and an early Dutchman. All in all, the

noteworthy events of the winter." From the Evening Sun. The little group of paintings at the

exhibition will be accounted one of the

American Art Galleries is a convincing testimental, if one were needed, of Mr. P. F. Milliken's Judgment and taste. It is one of the smallest that have been seen in these galleries, and it is one of the choicest. Moreover, it is a collection of peen-Har interest, masmuch as severa! painters whose works are seldom seen here in the auction rooms are well represented."

From the Evening Post. Rare Assortment of Fine Canvases A Titian Portrait Striking Examples of Modern Masters. "Iwenty-six pictures comprising the

Milliken collection have been hung in the targest room of the American Art Galleries, where, separated from one another by spaces made eloquent with rich haugings of velvet, they present, as a whole, a very distinguished appearance. From the Times. "That Mr. E. F. Milliken is a very diseriminating person in his choice of pictures

upper gallery of the American Art Association. From nearly every frame among the twenty-six comes a flash of interest. and from some the clear signs of geniu On Free View

on can see at a glance on entering the

UNTIL 3 P. M. TO-DAY At the American Art Galleries, MADISON SQUARE SOUTH, NEW YORK

The Sale will be conducted by THOMAS E. KIRBY of AMERICAN ART ASSOCIATION, Managers,

much transpires that finds its way to like SUN'S Woman's Page first. This is one feature that makes THE SUN a desirable

t East 23d St., Madison Square South.